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8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 DAVID WESLEY BIRRELL, aka Bella-Christina Birrell,

No. 2:22-CV-1834-KJM-DMC-P

12

13   Plaintiff,

ORDER

14   v.

15 MICHELLE DiTOMAS,

16   Defendant.

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18   Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to

19 42 U.S.C. § 1983. Plaintiff has not filed a complete application to proceed in forma pauperis,

20 along with a certified copy of his trust account statement for the six-month period immediately

21 preceding the filing of the complaint, or paid the required filing fee. See 28 U.S.C. §§ 1914(a),

22 1915(a), (a)(2). Plaintiff will be provided the opportunity to submit either a completed

23 application to proceed in forma pauperis or the appropriate filing fee. Plaintiff is warned that

24 failure to resolve the fee status of this case within the time provided may result in the dismissal of

25 this action for lack of prosecution and failure to comply with court rules and orders. See Local

26 Rule 110.

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1   Accordingly, IT IS HEREBY ORDERED that:

2   1.   Plaintiff shall submit on the form provided by the Clerk of the Court,

3 within 30 days from the date of this order, a complete application for leave to proceed in forma

4 pauperis, with the required certified copy of his trust account statement, or the appropriate filing

5 fee; and

6   2.   The Clerk of the Court is directed to send Plaintiff a new form Application

7 to Proceed In Forma Pauperis By a Prisoner.

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9 Dated: November 14, 2022

10   _____
       DENNIS M. COTA
11   UNITED STATES MAGISTRATE JUDGE

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